

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS & CEMENT MASONS #90
HEALTH & WELFARE FUND, By and
Through Its Board of Trustees,
and EMPLOYERS & CEMENT MASONS
#90 PENSION FUND By and Through
Its Board of Trustees**

No. 15-CV-1290-DRH-PMF

Plaintiffs,

vs.

**BRITE STONE MASONRY, INC. and T.
BOW, INC.,**

Defendants.

MEMORANDUM AND ORDER

HERNDON, District Judge:

Pending before the Court is plaintiffs' motion for partial default judgment against Defendant T. Bow., Inc. (Doc. 11). Based on the following, the Court **DENIES** at this time the motion.

A review of the pleadings, reveals that plaintiffs failed to comply with Local Rule 55(a). Local Rule 55.1(a) requires the moving party to: (1) "give notice of the entry of default to the defaulting party by regular mail sent to the last known address of the defaulted party," and (2) "certify to the Court that notice has been sent." Further, Local Rule 55.1(b) requires that the motion seeking default judgment "shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the

moving party knows, or reasonably should know, the identity of an attorney thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.”

Here, plaintiffs failed to certify that they mailed a copy of the motion for default judgment to defendant’s attorney, or that in the alternative, plaintiffs are not aware that defendant is represented by counsel, generally. Accordingly, the Court **DENIES** at this time motion for default judgment and accounting (Doc. 11). The Court **ALLOWS** plaintiffs to file a new motion that comports with this Order and the Local Rule on or before April 11, 2016.

IT IS SO ORDERED.

Signed this 28th day of March, 2016.

 Digitally signed by
Judge David R.
Herndon
Date: 2016.03.28
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United States District Judge